

IC 22-2-11

Chapter 11. Payroll Bond for Benefit of Employees

IC 22-2-11-1

Bond; filing; amount; right of action; exemptions

Sec. 1. (a) Every corporation, limited liability company, association, company, firm, person, or persons engaged or about to engage in the business of mining coal, ore, or other minerals, or quarrying stone or manufacturing iron, steel, lumber, stoves, barrels, brick, tile, machinery, agricultural, or mechanical implements, or any article of merchandise, having a lease only on such mine, quarry, or manufacturing plant, and such lessee does not own the plant, works, tools, appliances, and machinery used or to be used in conducting any such business, shall, before beginning or continuing such work, tender to the clerk of the circuit court of the county in which such a business is located, for filing, a bond to be approved by such clerk, payable to the state of Indiana, in a sum double the amount of the weekly payroll of any such lessee, and signed by good and sufficient freehold sureties or a surety company and conditioned that payments of wages due the employees of any such lessee will be paid promptly when due and in default thereof any or all of the employees of such lessee shall have a right of action on such bond for the payment of any wages due, together with attorney's fees for collecting same. Such clerk shall not file such bond until after the same has been examined and approved by him. The clerk of such court shall examine such lessee under oath, touching the number of employees to be employed and the amount of weekly wages to be paid, and may from time to time reexamine such lessee and cause the amount of such bond to be increased on account of changed conditions of employment to an amount not exceeding double the weekly wages of the employees of such lessee. If the value of the physical property owned by such lessee in conducting such business, as shown by the last preceding assessment for taxation, is at least double the amount of the weekly payroll of such lessee, then and in that event it shall not be necessary for lessee to file a bond conditioned that payments of wages due the employees of such lessee will be paid, as provided in this section.

(b) Subsection (a) shall not apply to any corporation, limited liability company, association, company, firm, person, or persons engaged or about to engage in any of the businesses described in subsection (a) which shall hold on, before, or after May 21, 1929, only a lease upon any such mine, quarry, or manufacturing plant owned by the United States of America or by any department, division, bureau, representative, agent, subordinate unit, subsidiary corporation, or instrumentality thereof; and any and all fines and penalties imposed by this chapter and incurred on or before March 8, 1943, by any such corporation, limited liability company, association, company, firm, person, or persons holding such lease on such mine, quarry, or manufacturing plant owned by the United States of America or by any department, division, bureau,

representative, agent, subordinate unit, subsidiary corporation, or instrumentality thereof are hereby cancelled, annulled, and forgiven. *(Formerly: Acts 1929, c.41, s.1; Acts 1935, c.81, s.1; Acts 1943, c.180, s.1.) As amended by P.L.144-1986, SEC.17; P.L.8-1993, SEC.278.*

IC 22-2-11-2

Actions and proceedings; costs; attorney's fees

Sec. 2. Any person having wages due and unpaid from any lessee as provided in section one, shall have a right of action in the name of the state of Indiana on the relation of such person on such bond, from the date the same is due and in any suit brought thereon such person shall, when judgment is rendered for such wages, also have judgment for the costs of suit and attorney's fees.

(Formerly: Acts 1929, c.41, s.2.)

IC 22-2-11-3

Failure to file bond

Sec. 3. A person who fails to file the bond as provided in section 1 of this chapter commits a Class C infraction; each day business is conducted without the filing of the bond constitutes a separate offense.

(Formerly: Acts 1929, c.41, s.3.) As amended by Acts 1978, P.L.2, SEC.2208.

IC 22-2-11-4

Liens of laborers; application of law

Sec. 4. This chapter shall not in any way affect the liens of laborers, as secured to them on April 21, 1911, by the laws of this state.

(Formerly: Acts 1929, c.41, s.4.) As amended by P.L.144-1986, SEC.18.